
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Revision No. 6561 of 2007

Date of decision: 18.12.2007

Suresh Kumar

...Petitioner

Versus

Loven Singla and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R.A.Sheoran, Advocate for the petitioner.

RAJESH BINDAL, J.

The challenge in the present petition is to the order dated May 31, 2007 passed by the learned Civil Judge (Senior Division), Mansa and order dated November 2, 2007. Vide order dated May 31, 2007 the present petitioner, who is defendant no. 3 in the suit, was permitted to join proceedings at that stage while setting aside the order vide which he was proceeded exparte and the order vide which he has been refused permission to cross examine the witnesses produced by other defendants.

The suit has been filed by minor son of the petitioner but through his mother, the wife of the petitioner. It is not in dispute that plaintiff is residing with the petitioner in the same house. The entire effort in the present case is only to delay the proceedings. The matter had earlier also come to this Court wherein the plaintiff had sought to cross examine the witnesses produced by respondent no.2. In the light of the additional issues framed by this Court, that petition was accepted. The trial Court was directed to expedite the hearing of the suit. Even while passing the order on November 2, 2007, learned trial Court had also noticed that adjournments were being sought by the parties by making lame excuses. The request made by the petitioner for adjournment on the ground that he should be permitted to engage a lawyer to cross examine the witnesses produced by other defendants was rejected as it was found that interest of the petitioner

was not different than the plaintiff in the suit, who is his minor son. As far as cross examination by the counsel for the plaintiff is concerned, the Court recorded that inspite of opportunity, no cross examination was done and the case was adjourned for arguments.

Having heard learned counsel for the petitioner, I do not find any merit in the present petition. The petitioner, who is father of the plaintiff is trying to delay the proceedings by raising one plea or the other. His interest is not averse to the plaintiff. The plaintiff was to cross examine the witnesses produced by the defendants but he did not cross examine them. Petitioner, who is merely a co-defendant, cannot be permitted to cross examine the witnesses produced by other co-defendants, when his interest is not different than the plaintiff.

Accordingly, I do not find any merit in the present petition and the same is dismissed.

December 18, 2007
Pka

(Rajesh Bindal)
Judge